

**Milwaukee County Personnel Review Board**  
**Meeting Minutes – September 16, 2014**

**I. Roll Call**

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:00 a.m. on Tuesday, September 16, 2014, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Daniel T. Dennehy, Ms. Mary K. Bruno, Ms. Melissa D. Hudson Clark, and Ms. Melissa Soberalski.

Ms. Susan A. Lueger was excused.

**II. Approval of Minutes of the August 19, 2014 Meeting**

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by vote of 4-0, approved the minutes of the September 2, 2014 meeting.

**III. Communications and/or comments from the public, if any**

The Board heard the report of Craig Johnson, Attorney, AFSCME District Council 48, regarding Louvenia Wilson. Mr. Johnson reported that Ms. Wilson would like to have her hearing certain set for September 30 instead of giving an update on that date. Molly Zillig, Assistant Corporation Counsel, stated the appointing authority had no objection subject to the availability of its witnesses. Mr. Dennehy set the matter for a hearing and noted that if the appointing authority's witnesses were unable to attend, the appointing authority could contact the Board's office two days before September 30 to request a continuance.

**IV. Correspondence**

None.

**V. First Appearances**

**A. DISCHARGES**

**SUSAN M. GROOMS, Stores Clerk, SHERIFF**

Case 2-4148 dated 8/28/2014 for IA #14-168

Case 2-4149 dated 8/28/2014 for IA #14-186

(Refer to Agenda Item VII.B.)

**KENNETH R. SEALS, Correction Officer, SHERIFF**

Case 2-4150 dated 08/28/2014 for IA #14-151

Case 2-4151 dated 08/28/2014 for IA #14-167

Case 2-5152 dated 08/28/2014 for IA #14-180

Case 2-5153 dated 08/28/2014 for IA #14-181

The Board heard the report of Charmaine Gee, Administrative Assistant, that Kenneth R. Seals resigned effective August 28, 2014. The Board acknowledged Mr. Seals' resignation and closed the cases.

## **B. SUSPENSIONS**

### **SHAMEEKA D. COLLINS, Correction Officer, SHERIFF**

Case 1-4146 for IA #14-079 dated 08/28/2014 for 15 days

The Board heard the report of Molly Zillig, Assistant Corporation Counsel, and Charmaine Gee, Administrative Assistant, that Shameeka D. Collins would like to waive her right to a hearing within 21 days. Ms. Clark moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), voted to accept Ms. Collins' waiver and continue the matter for hearing certain on September 30, 2014.

### **FELICIA Y. NOBLE, Licensed Practicing Nurse, SHERIFF**

Case 1-4147 for IA #14-173 dated 08/28/2014 for 20 days

(See Agenda Item VII.A.)

## **C. GRIEVANCE**

### **SEAN TOURTILLOTT, Airport Maintenance Worker, DOT**

Case 4-4154 dated 9/13/2014

The Board heard the parties' arguments regarding whether the Board could take jurisdiction of this appeal. Craig Johnson, Attorney, AFSCME District Council 48, on behalf of Sean Tourtillott, argued that the Board had jurisdiction of the appeal because the grievance is about the denial of Mr. Tourtillott's *Weingarten* right to union representation while being disciplined at work. Thus, the grievance concerns working conditions, which are explicitly included in M.C.G.O. § 17.207. Molly Zillig, Assistant Corporation Counsel, argued that Mr. Tourtillott's grievance is really about the discipline he received, which cannot be grieved under § 17.207.

Mr. Dennehy moved to deny jurisdiction of the appeal because non-unionized employees, like Mr. Tourtillott, do not have *Weingarten* rights and Mr. Tourtillott's appeal goes beyond the jurisdiction of the Board according to the recent circuit court opinion in *Milwaukee County v. Milwaukee County Personnel Review Board*, Case No. 14-CV-002536. Ms. Clark seconded, and the Board, by unanimous vote (4-0), declined jurisdiction of the appeal and closed the case.

## **VI. Updates**

### **A. DISCHARGE**

#### **SCOTT M. KUHTZ, Deputy Sheriff I, SHERIFF**

**Case 2-4128 dated 06/18/2014 for IA # 14-134**

The Board heard the report of Roy Felber, President, Deputy Sheriff's Association, that Scott M. Kuhtz retired as of September 12, 2014. The Board acknowledged Mr. Kuhtz's retirement and closed the case.

## **VII. Hearings**

### **A. SUSPENSION**

#### **FELICIA Y. NOBLE, Licensed Practicing Nurse, SHERIFF**

Case 1-4147 for IA #14-173 dated 08/28/2014 for 20 days

*At 3:55 p.m., Ms. Clark moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate the Felicia Noble and Donna Flees matters. At 4:15 p.m., the Board reconvened in open session.*

Ms. Bruno moved, Ms. Clark seconded, and the Board, by a vote of 4-0, found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) (specifically Milwaukee County Sheriff's Office Rules and Regulations, 202.03 Tardiness) and (p), and upheld the 20 day suspension of Felicia Y. Noble. The Board also recommended that the Sheriff's Office clarify its tardiness policy to explicitly note that arriving a half-hour or less will not be excused simply because an employee previously notified his or her supervisor; that a failure to report violation can occur if an employee fails to report for duty and is more than half an hour late without previously notifying the supervisor; and that to excuse a tardy, an employee must call in by a certain time before his or her shift or have an emergency situation.

#### **DONNA FLEES, Paralegal, FAMILY CARE**

Case 1-4144 dated 08/13/2014 for 5 days

*At 3:55 p.m., Ms. Clark moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate the Felicia Noble and Donna Flees matters. At 4:15 p.m., the Board reconvened in open session.*

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by a vote of 4-0, found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l), (o), and (q), and the Board increased the length of Donna Flees' suspension to ten (10) days due to the severity of the violations. The Board also recommended management training for Ms. Flees' supervisor, Valerie Woods.

### **B. DISCHARGE**

#### **SUSAN M. GROOMS, Stores Clerk, SHERIFF**

Case 2-4148 dated 8/28/2014 for IA #14-168

Case 2-4149 dated 8/28/2014 for IA #14-186

*At 11:51 a.m., Ms. Clark moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate the Susan M. Grooms matters. At 12:03 p.m., the Board reconvened in open session.*

Ms. Bruno moved, Ms Soberalski seconded, and the Board, by a vote of 4-0, found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) (specifically Milwaukee County Sheriff's Office Rules and Regulations, 202.17 Conduct of Members and 202.23 Truthfulness) and (w), and the Board upheld the discharge of Susan M. Grooms for Case 2-4148.

Ms. Clark moved, Ms Bruno seconded, and the Board by a vote of 4-0, found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) (specifically Milwaukee County Sheriff's Office Rules and Regulations,

202.21 Reporting for/Absence from Duty) and (o), and the Board upheld the discharge of Susan M. Grooms for Case 2-4149.

#### **VIII. Adjournment**

Ms. Lueger moved, Ms. Clark seconded, and the Board, by vote of 3-0, adjourned the meeting at 11:04 a.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator